

FILED

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF ALABAMA  
 SOUTHERN DIVISION

00 JUL 12 AM '00

DOUG GRIFFIN et. al., Plaintiffs, v. WALTER INDUSTRIES, INC. et al., Defendants.	U.S. DISTRICT COURT N.D. OF ALABAMA CIVIL ACTION NUMBER 00-C-370-S	<i>Am 6</i> <b>ENTERED</b> JUL 12 2000
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**MEMORANDUM OPINION GRANTING MOTION TO DISMISS**

On January 4, 2000, plaintiffs brought this action in the Circuit Court of Jefferson County, Alabama against a number of defendants seeking damages and other relief for injuries they claim to have suffered while employed by defendant Jim Walter Resources, Inc. (“JWR”). The action is filed on plaintiffs’ behalf and on behalf of a putative class consisting of persons who are members of the United Mine Workers of America and are employed or have been employed by JWR as underground miners in mines operated by JWR in the State of Alabama.

On Federal 11, 2000, JWR and JWR employee defendants removed the action to the court on the ground that plaintiff’s claims are governed by Section 301 of the Labor Management Relation Act, 29 U.S.C. § 185. (“LMRA”) Pending before the Court are a Motion to Dismiss or in the Alternative For a More Definite Statement By Defendant Jim

Walter Resources, Inc. and a Motion to Dismiss by Defendants George Richmond, William Carr, Rich Donnely, Greg Dean, Chuck Dixon, Jim Parsons, Brent Street, Ashley Riley, and Dale Byrum.

On May 25, 2000, the Court held a hearing on defendants' motion to dismiss. During oral argument, plaintiff's counsel conceded that it claims against the above defendants should be dismissed. Based on counsel's position, the Court will grant these defendants' motion to dismiss.

DONE this 11<sup>th</sup> day of July 2000.

  
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United States District Judge  
U.W. Clemon